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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,360	03/12/2001	Werner Zagler	951/49628	4213

7590 08/20/2002

CROWELL & MORING LLP
Intellectual Property Group
P. O. Box 14300
Washington, DC 20044-4300

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,360

Applicant(s)

ZAGLER, WERNER

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the amendment filed June 11, 02. No claims have been amended, added, or canceled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-9 are again rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4203512C1 (cited by the applicant).

Claim 5:

DE 42 02 512 (herein after '512) discloses a system for facilitating entry into or out of a motor vehicle having at least one vehicle door, in which window is lowerable and closeable and to which an opening/closing detecting device is assigned, the system comprising:

- a. An unlocking device (release switch)
- b. A control device for controlling window actuator

Wherein the control device has inputs which receive a signal reflecting an unlock command and a signal which corresponds to a door opening or closing action, the control device operating the actuator to completely lower the window of the vehicle door when an unlock command has been received and the vehicle door has been opened simultaneously. See abstract.

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The double unlock command is not used in '512. However, it would have been obvious to one skilled in the art to use double door release command as desired because it is only a choice in design to differentiate between functions. For example, vehicles with remote door lock/unlock functions used to unlock all doors upon the actuation of the unlock button once, but nowadays, a single unlock command would unlock the driver door and the use of a double unlock command is used to differentiate from the single unlock command to unlock all doors. Therefore, a skilled artisan would have used the double unlock command to allow to the system in '512 to recognize that additional function, other than to unlock the doors, is desired.

Claim 6:

It is not clear in '512 whether the control device operates the actuator to completely close the window of the vehicle door after the door is closed. Nonetheless, one skilled in the art would have readily recognized that most likely the window should be completely raised while the door is closed for safety reasons, such as theft or rain, unless it is desired to be lowered by the driver while operating the vehicle or for some particular purposes while the vehicle is parked.

Claim 7:

It is inherent that the system in '512 would have an anti-squeeze device which monitors the closing operating of the window.

Claim 8:

Though '512 does not include a remote door lock/unlock device, it is conventionally used nowadays with most vehicles. Therefore, it would have been obvious to one skilled in the art to modify the system in '512 to be used with a remote door lock/unlock device. All door unlock/lock remote control devices comprise a door command point.

Claims 1-4:

The rejection of claims 1-4 recites the rejection of claim 5-8 except they are method claims.

Claim 9:

The rejection of claim 9 recites the rejection of claim 1, except it is a software which is inherently disclosed in '512 for the system to carry out those functions.

Applicant's Remarks

Argument 1:

The applicant has argued that the present inventions completely lowers the window vehicle door upon the occurrence (or detection) of both the double unlock command and the opening of the vehicle door. The applicant has asserted that DE '512 requires a separate and additional action by the user after opening the door to cause the lowering of the window.

Argument 2:

The applicant has submitted that on page 3 of the Office Action, the examiner maintains that DE '512 provides a control device to "completely lower the window of the vehicle door when an unlock command has been received and the vehicle door has been opened simultaneously", which, the applicant asserts, is incorrect as shown in the right hand branch 12 of fig. 2.

The applicant has pointed out that the window in the present invention is lowered immediately when the user signals the opening of the vehicle door, such as by moving the door handle while DE '512 discloses a delay period of one minute after the door handle has been operated.

Response to Applicant's Remarks

Response to argument 1:

It is submitted that the independent claims state, e.g. claim 9, that the window is lowered upon the occurrence of both the unlock command and the opening of the vehicle door either simultaneously or subsequently. DE '512 discloses the same thing (except for the double unlocking command which was explained in the rejection). In other words, the system in DE '512 lowers the window when it detected that an unlock command has been received and the door has been opened either simultaneously or subsequently. Especially, with the time delay associated with the door and the lowering of the window, it is certain that the door in DE '512 has been opened when the window actuator is operated. There is no separate and additional action by the user involved. Moreover, the claim does not state that the window is lowered before the door begins to open. Therefore, the applicant's argument is not deemed persuasive.

Response to argument 2:

It should be noted that the claims of the present application fails to recite that the window has been completely lowered or lowered immediately when the user signals the opening of the

door. The claims only states that the window is lowered upon the detection of the unlock command and the door has been opened. The term "completely lower the window" is interpreted as the window will not stopped but continues to go to its completely open position limit.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

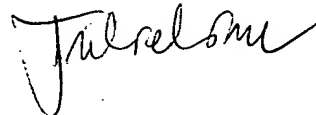
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on Mon-Thursday, 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in cursive script, appearing to read "Julie Lieu".

Julie. Lieu
Primary Examiner
Art Unit 2632

jl
August 15, 2002